

## REMARKS

These Remarks are in reply to the Office Action mailed September 18, 2008. Claims 1, 4-7, 11, 13, 17, 20-23, 27, 28, and 36-39 were pending in the Application prior to the outstanding Office Action. Claims 17, 27, and 28 are currently being amended. No claims are currently being canceled or added. Accordingly, claims 1, 4-7, 11, 13, 17, 20-23, 27, 28, and 36-39 remain for the Examiner's consideration, with claims 1, 11, 17, and 27 being independent. Reconsideration and withdrawal of the rejections are respectfully requested.

### **I. Claims Rejected under 35 U.S.C. § 101**

Claims 17, 20-23, 27, 38, and 39 were rejected under 35 U.S.C. § 101 for allegedly being directed toward non-statutory subject matter, as these claims allegedly do not include any computer hardware.

Claim 27 has been amended to specify that the service provider is running on a computer. Support for this feature in the specification can be found on p. 23, lines 9-10, which states that service providers are programs running on computers. Similarly, claim 17 has been amended to specify that the client is running on a computer. Support for this feature in the specification can be found on p. 14, lines 19-21, which states that in Fig. 1, client 102a is a web server, client 102b is a fax server, and client 102c is some other type of server. Applicants respectfully submit that claims 17 and 27 as amended now include computer hardware, and are thus now directed to statutory subject matter under 35 U.S.C. § 101.

Claims 20-23 were rejected under 35 U.S.C. § 101 because they depend from claim 17. Similarly, claims 38 and 39 were rejected under 35 U.S.C. § 101 because they depend from claim 17. Because claims 17 and 27 have been amended to specify that the client is running on a computer, and the service provider is running on a computer, respectively, Applicants respectfully submit that amendments to dependent claims 20-23, 38, and 39 are not necessary.

Applicants respectfully submit that claims 17, 20-23, 27, 38, and 39 are now directed to statutory subject matter under 35 U.S.C. § 101, and reconsideration thereof is respectfully requested.

## **II. Claims Rejected under 35 U.S.C. § 103(a)**

Claims 1, 4-7, 11, 13, 17, 20-23, 27, 28, and 36-39 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cloud et al. (U.S. Patent No. 6,253,369, hereinafter Cloud) in view of Rourke et al. (U.S. Patent No. 5,995,721, hereinafter Rourke).

## **III. Claim 1**

### **A. Additional Steps not disclosed in Rourke**

Independent claim 1 requires that the procedural part does not know about the scheduling contained in the declarative part, but can specify *additional steps* that must be performed after the procedural part completes before a particular task is considered to have completed. Applicants were faced with the problem of how to specify steps to be reliably executed with maximum parallelism when some steps depend upon the output of other steps and when it is not knowable in advance which steps must be executed. The steps that must be executed as part of the job may depend upon the job's input data and are not knowable in advance. In order to solve this problem, these features of claim 1 require that the procedural part can specify additional steps that must be performed after the procedural part completes but before a task is completed.

Support in the specification for the procedural part specifying these *additional steps* can be found at p. 18, line 10 through p. 19, line 3, which states that the procedural part carries out the arbitrary logic of the tasks and can augment the set of steps to be performed. For example, a procedural part that converts the contents of a zip file to HTML may decompress and expand the zip file into four other files and return four steps to convert each of these files to HTML. These new steps are reported back to the job management apparatus 104 and become the next set of steps to be completed.

It was alleged in the Office action on p. 6, para. 2, that the claim 1 element of the procedural part specifying additional steps is disclosed by Rourke, which describes that one portion of the job may be delivered to a full process color printer (document processing unit 1) and another portion may be delivered to a black/white printer with accent color capability (document processing unit 2) of Fig. 12. It was further alleged that the additional steps disclosed by Rourke are delivering both the black/white prints and accent colored prints to a job integrator, as described in col. 12, line 62 - col. 13, line 10. Fig. 12, however, describes a print job, which

includes delivering job portions to printers 1-N (documents processing units 1-N), as well as delivering the prints to a job integrator. Although Rourke discloses a print job, Rourke does not disclose steps in addition to the print job, as explained below.

Rourke discloses that a print job is scheduled to 1) generate the black/white prints, 2) accent the black/white prints with one or more colors and deliver both the black/white prints and accent colored prints to a job integrator in the form of a stream, as described in col. 12, line 64-67 - col. 13, line 1 and lines 6-10. Fig. 12 shows that both the black/white portion and the accented black/white portion delivered to printers 1 and 2 (document processing units 1 and 2), respectively, are portions of the scheduled job. Similarly, Fig. 12 shows that the job integrator is a portion of the scheduled job. The scheduled job as disclosed in Rourke is analogous to the plurality of tasks that are scheduled by the declarative part, as in the embodiment defined by claim 1. The procedural part of claim 1, on the other hand, enables these tasks to execute and can specify *additional* steps that must be performed after the procedural part completes. Delivery of job portions to printers 1 and 2, as well as delivery of prints to the job integrator, as disclosed in Rourke, are part of the scheduled job (plurality of tasks scheduled by the declarative part), and thus are not part of the procedural part which specifies additional steps that must be performed beyond the scheduled job, as required by claim 1.

#### **B. Independent tasks not required to be performed in parallel**

Claim 1 further requires that the procedural part contains logic enabling the batch job execution system to perform execution of independent individual tasks separately, in *parallel*. Applicants were faced with the problem of parallelizing tasks of a batch job more efficiently and easily. (Spec., p. 4, lines 8-9). In order to solve this problem, claim 1 requires the procedural part described above.

It was alleged in the Office action on p. 6, para. 2, that the claim 1 element that requires execution of individual tasks separately, in parallel, is disclosed in Rourke, which describes that a document processing unit(s) mapped to the single queue(s) is suitable for executing the job. (col. 10, lines 10-40). Although it is possible for parallel processing to occur when two or more queues are used to execute portions of a print job, the job portions are not performed in parallel if one queue is capable of handling the entire job, as explained below.

Rourke discloses software that distributes one or more job portions of a job among one or more queues in col. 9, lines 24-26. The preference, however, is for one queue to handle the

entire job, as described in col. 10, lines 47-50; also step 118 of Fig. 8. For claim 1, on the other hand, since Applicants were faced with the problem of parallelizing tasks of a batch job more efficiently and easily, claim 1 requires execution of independent individual tasks separately, in *parallel*.

Further, Rourke discloses that job portions are assigned to different queues based on whether the queue's associated subsystem (printer) is capable of handling that type of job portion (abstract). For example, a print job may have a black/white portion and a color type portion that are each sent to two different queues, as described in col. 11, lines 35-36, 38-39, and 42-45. As discussed above, the preference is for one queue to handle a job having both black/white and color portions, if the queue is capable of doing so. Thus, the two job portions that happen to process in parallel if one queue is not capable of handling the entire job, as disclosed in Rourke, is different than execution of independent individual tasks separately, in parallel, as required by claim 1. Additionally, in Rourke, if two job portions are added to two different queues, the job portions may not necessarily process in parallel if other job portions are waiting to be processed in either of the two queues. Further, the focus of Rourke is not speed and parallel processing of job portions. Instead, Rourke discloses print job processing that uses the smallest number of queues that are capable of handling the job portions. Thus, the focus of the print job processing disclosed in Rourke is not the same as the time-sensitive parallel processing of batch processing, as in the embodiment defined by claim 1.

### **C. Claim 1 Conclusion**

As such, Applicants respectfully submit that Rourke fails to teach or suggest that the procedural part does not know about the scheduling contained in the declarative part, but can specify *additional steps* that must be performed after the procedural part completes before a particular task is considered to have completed, and that the procedural part contains logic enabling the batch job execution system to perform execution of independent individual tasks separately, in *parallel*, as required by claim 1. Further, Cloud does not teach or suggest these deficiencies of Rourke with regard to claim 1. For at least these reasons, Applicants respectfully submit that the embodiment defined in claim 1 is neither anticipated by, nor obvious in view of Cloud or Rourke, taken alone or in combination, and respectfully request reconsideration of the claim.

#### **IV. Claim 11**

##### **A. Call to put and call to convert not separate steps**

Independent claim 11 requires making a call to *put*, which transfers at least a portion of the information in the task to be executed to the remote platform; making a call to *convert*, which instructs the remote platform to perform a function on the information transferred to the remote platform. Applicants respectfully submit that portions of Rourke cited in the Office Action that allegedly perform these tasks do not disclose separate steps, as discussed below.

It was alleged in the Office Action (p. 7, para. 5 - p.8, para. 1) that *making a call to put*, as required by claim 11, is disclosed by Rourke (col. 12, line 62-col. 13, line 10), which states that one portion of the job may be delivered to a full process color *printer* (document processing unit 1) and another portion may be delivered to a black/white printer with accent color capability (document processing unit 2), and that *making a call to convert*, as required by claim 11, is disclosed by Rourke (col. 5, lines 30-67), which describes a *document server* for managing *conversion* of the document job into the on-demand output. In Rourke, however, the conversion of the document job (allegedly the call to convert) is not a separate step from the delivering the job to the printer (allegedly the call to put). Instead, conversion of the document job using one or more print queues is a sub-part of the main print job, or delivering the job to the printer. Thus, Rourke does not disclose separate steps of making a call to put and making a call to convert, as required by claim 11.

##### **B. Call to get not performed by “service provider”**

Claim 11 requires making a call to *get*, which retrieves the converted information from the remote platform. Claim 11 further requires that each of the above steps are *performed by the service provider*. Applicants respectfully submit that the portion of Rourke cited in the Office Action that allegedly performs this task is not performed by the “service provider,” as discussed below.

It was alleged in the Office action (p. 8, para. 2) that *making a call to get*, as required by claim 11, is disclosed by Rourke (col. 12, line 62 - col. 13, line 10), which describes that both the black/white prints and accent colored prints are delivered to a job integrator. From the call to put and call to convert discussion above, a document server and a printer disclosed in Rourke can be analogized to the service provider and remote platform, respectively, as defined by claim 11.

The analogy fails to work for the call to get, however. For the analogy to work, the document server of Rourke would need to retrieve (or “get”) the prints from the printers. Instead, Rourke discloses that the prints are sent to the job integrator. Thus, delivering prints to the job integrator, as disclosed in Rourke, is not the same as making a call to get, as required by claim 11.

**C. Information involved in call to put, convert, and get not related information**

Regarding the Cloud reference, Applicants reiterate the following argument from the previous response for the Examiner’s convenience. For claim 11, each of the three “making a call” elements put, convert, and get, involves related “information,” or “information in the task to be executed.” For example, making a call to put transfers a portion of this information, making a call to convert performs a function on the information, and making a call to get retrieves the converted information. Applicants respectfully submit that portions of Cloud cited in the Office Action that allegedly perform these tasks do not deal with related information, as discussed below.

It was alleged in the Office Action (p. 7, para. 5) that *making a call to put*, as required by claim 11, is disclosed by Cloud (col. 20, line 55-col. 21, line 5), which states “sending to the host.” This portion of Cloud includes sending to a host data extracted from a data entry screen of a terminal. As an aside, data extracted from a data entry screen as disclosed in Cloud is not the same as a portion of the information in a task of a batch job, as required by claim 11. It was alleged in the Office Action (p. 8, para. 1) that *making a call to convert*, as required by claim 11, is disclosed by Cloud (col. 18, lines 50-58). This portion of Cloud states that files are referenced during the batch work flow object generation process in which the parameters are converted into CICS command level source code, then compiled and linked into an executable module. As disclosed in Cloud, however, the information allegedly involved in making a call to put (data entry screen information) is completely different than the information allegedly involved in making a call to convert (file parameters converted to source code). Claim 11, on the other hand, requires that the information transferred in the step of making a call to put is the same information that is converted in the step of making a call to convert.

It was alleged in the Office Action (p. 8, para. 2) that *making a call to get*, as required by claim 11, is disclosed by Cloud (col. 11, lines 29-42). In this portion of Cloud, processing which

begins with a request and ends with a reply is called a unit of work. To complete a complex unit of work, the work flow will decompose the message received and invoke several tasks to independently retrieve information from whatever different sources are necessary. As disclosed in Cloud, however, the information retrieved in making a call to get (from whatever different sources) is completely different than the information in making a call to convert (file parameters converted to source code). Claim 11, on the other hand, requires that the converted information from the step of making a call to convert is the same information that is retrieved in the step of making a call to get.

#### **D. Repeating steps not disclosed in references**

Claim 11 further requires *repeating* each step of making a call to put, convert, and get until the task is completed. Regarding the Rourke reference, it was alleged in the Office Action (p. 8, para. 3) that this element of claim 11 is disclosed by Rourke (col. 11, lines 33-45). In this portion of Rourke, print job portions are preferably sent to one queue, but may also be sent to two or more queues. Determining the number of queues to be used in order to perform a print job is simply not the same as repeating steps of making a call to put, convert, and get, as required by claim 11. Further, Rourke not appear to teach or suggest repeating of any steps. Thus, Rourke does not teach repeating each step of making a call to put, convert, and get until the task is completed, as required by claim 11.

Regarding the Cloud reference, Applicants reiterate the following argument from the previous response for the Examiner's convenience. It was alleged in the Office Action (p. 8, para. 3) that this element of claim 11 is disclosed by Cloud (col. 14, lines 25-49). In this portion of Cloud, units of work objects A and B can be executed concurrently and that unit of work C must await the completion of units of work A and B for the work flow to complete. Work objects that must complete for the work flow to complete, however, is different than repeating steps, as required by claim 11. Further, Cloud does not appear to teach or suggest repeating of any steps. Thus, Cloud does not teach repeating each step of making a call to put, convert, and get until the task is completed, as required by claim 11.

#### **E. Claim 11 Conclusion**

As such, Applicants respectfully submit that Cloud and Rourke fail to teach or suggest making a call to *put*, which transfers at least a portion of the information in the task to be

executed to the remote platform, making a call to *convert*, which instructs the remote platform to perform a function on the information transferred to the remote platform, making a call to *get*, which retrieves the converted information from the remote platform, and *repeating* each step of making a call to put, convert, and get until the task is completed, as required by claim 11. For at least these reasons, Applicants respectfully submit that that the embodiment defined in claim 11 is neither anticipated by, nor obvious in view of Cloud or Rourke, taken alone or in combination, and respectfully request reconsideration of the claim.

## **V. Claim 17**

Independent claim 17 is directed to an apparatus that includes a client that performs similar features to those discussed above with reference to claim 1. For similar reasons to those as provided above with respect to claim 1, Applicants respectfully assert that Rourke fails to teach or suggest that the procedural part does not know about the scheduling contained in the declarative part, but can specify *additional steps* that must be performed after the procedural part completes before a particular task is considered to have completed, and that the procedural part contains logic enabling the batch job execution system to perform execution of independent individual tasks separately, in *parallel*, as required by claim 17. Thus, Applicants respectfully submit that the embodiment defined by claim 17 is likewise neither anticipated by, nor obvious in view of Cloud or Rourke, taken alone or in combination, and respectfully request reconsideration of the claim.

## **VI. Claim 27**

Independent claim 27 is directed to an apparatus that includes a service provider that performs similar features to those discussed above with reference to claim 11. For similar reasons as provided above with respect to claim 11, Applicants respectfully assert that Cloud and Rourke fail to teach or suggest making a call to put, which transfers at least a portion of the information in the task to be executed to the remote platform, making a call to convert, which instructs the remote platform to perform a function on the information transferred to the remote platform, making a call to get, which retrieves the converted information from the remote platform, and repeating each step of making a call to put, convert and get until the task is completed, as required by claim 27. Thus, Applicants respectfully submit that the embodiment



defined by claim 27 is likewise neither anticipated by, nor obvious in view of Cloud or Rourke, taken alone or in combination, and respectfully request reconsideration of the claim.

## **VII. Dependent Claims**

Because claim 27 has been amended to include “running on a computer” to overcome a 35 U.S.C. §101 rejection, dependent claim 28 has been amended to remove this feature and to reword the remainder of the claim accordingly. Otherwise, claims 4-7, 13, 20-23, 28, and 36-39 are not addressed separately, but it is respectfully submitted that these claims are allowable for at least the reason that these claims depend from allowable claims discussed above. It is also submitted that each of these claims also add their own limitation which render them patentable in their own right. Applicants respectfully reserve the right to argue these limitations should it become necessary in the future.

## **VIII. Conclusion**

In light of the above, it is respectfully requested that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if she can assist in any way in expediting issuance of a patent.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for the time to respond up to and including January 21, 2009.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including the fee for extension of time, which may be required.

Respectfully submitted,

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